

# Notice of Allowability

Application No.

09/441,204

Examiner

Robert M. Pond

Applicant(s)

VERCHERE, DAVID

Art Unit

3625

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Board of Patent Appeals and Interferences; Examiner's Amendment (Paper #20060531).
2. ☒ The allowed claim(s) is/are 10 and 20-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9/4/2001
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060713.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

Continuation of Attachment(s) 9. Other: Email communication from Yisun Song.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

#### **Authorization**

Authorization for this examiner's amendment was provided by Yisun Song, #44,487 on 13 July 2006.

#### **Allowed Claims**

Claims 10 and 20-36 are allowable over the prior art of record. Claims 1-9 and 11-19 were previously canceled.

#### ***In the Claims***

The claims as filed 10 January 2005 in Appeal Brief, Appendix-A have been amended as follows:

- Claims 1-9 were previously deleted.
- Delete Claim 10 in its entirety and insert therefore:
  - - Claim 10. A computer implemented system for acquiring branded promotional products comprising:

a database containing product information wherein the product information comprises product data and imprinting data related to a plurality of branded promotional products;

a products interface where a customer or a reseller accesses the products interface to acquire at least one branded promotional products;

a reseller showcase interface where a customer accesses the reseller showcase interface to acquire at least one branded promotional products;

a vendor showcase interface where a reseller accesses the vendor showcase interface to acquire at least one branded promotional products;

a front office interface for providing purchase order information and marketing information and receiving at least one order from one or more resellers or customers wherein the at least one order is related to the plurality of branded promotional products;

a bidding interface for enabling at least one or more resellers or customers to present at least one order and enabling at least one vendor to bid on the presented order wherein the at least one order is related to the plurality of branded promotional products;

an artwork library interface for storing customer's logo and branding artwork associated with the plurality of branded promotional products; and

a processor for processing orders received from the front office interface;

wherein the database, the products interface, the reseller showcase interface, the vendor showcase interface, the front office interface, the bidding

interface, the artwork library interface and the processor are interoperably connected.- -

- Claims 11-19 were previously deleted.
- Delete Claim 20 in its entirety and insert therefore:
  - -Claim 20. A computer implemented method for acquiring branded promotional products comprising the steps of:

maintaining a database containing product information wherein the product information comprises product data and imprinting data related to a plurality of branded promotional products;

implementing a products interface where a customer or a reseller accesses the products interface to acquire at least one branded promotional products;

implementing a reseller showcase interface where a customer accesses the reseller showcase interface to acquire at least one branded promotional products;

implementing a vendor showcase interface where a reseller accesses the vendor showcase interface to acquire at least one branded promotional products;

implementing a front office interface for providing purchase order information and marketing information and receiving at least one order from one or more resellers or customers wherein the at least one order is related to the plurality of branded promotional products;

implementing a bidding interface for enabling at least one or more resellers or customers to present at least one order and enabling at least one vendor to bid on the presented order wherein the at least one order is related to the plurality of branded promotional products;

implementing an artwork library interface for storing customer's logo and branding artwork associated with the plurality of branded promotional products; and

processing orders for products received from the front office interface through a processor.- -

- Delete Claim 21 in its entirety and insert therefore:

- -Claim 21. A computer implemented system for providing a central exchange of data associated with branded promotional products, the computer implemented system comprising:

a product database for storing data related to a plurality of products, the data including at least pricing data and imprinting data related to the plurality of products;

a vendor entry point interface for enabling a vendor to enter at least one product data specifics to the product database, the at least one product data specifics comprising one or more of imprinting data, display data, accurate detailed pricing data and product placement data;

a vendor showcase interface for displaying product data and providing ordering access to one or more resellers at a reseller entry point interface, wherein the vendor showcase interface is customized for a particular vendor;

a branded promotional products interface for providing a plurality of promotional products to one or more of customers and resellers and receiving at least one order for one or more promotional products;

a reseller showcase interface for displaying products selected by the reseller for resale to a reseller group of customers selected by the reseller where the reseller group of customers accesses the reseller showcase interface at a reseller customer entry point interface; and

a company logo store interface for displaying products selected by the reseller for resale to a group of customers associated with a company, wherein the company logo store interface is customized for the company;

wherein customers comprise users who buy products from the branded promotional products interface; resellers comprise users who resell products to customers; and vendors comprise users who supply one or more of products and imprinting services;

wherein the product database, the vendor entry point interface; the vendor showcase interface, the branded promotional products interface, the reseller showcase interface, the company logo store interface are interoperably connected.- -

- In claim 23, claim line 2, delete "module" and insert therefore:- -interface- -

- In claim 24, claim line 2, delete “module” and insert therefore:- -interface- -
- In claim 25, claim line 2, delete “module” and insert therefore:- -interface- -
- Delete all of claim 26 in its entirety and insert therefore:

- -Claim 26. A computer implemented method for providing a central exchange of data associated with branded promotional products, the computer implemented method comprising the steps of:

storing data related to a plurality of products, the data including at least pricing data and imprinting data related to the plurality of products at one or more product databases;

enabling a vendor to enter at least one product data specifics at a vendor entry point interface, the at least one product data specifics comprising one or more of imprinting data, display data, accurate detailed pricing data and product placement data;

displaying product data and providing ordering access at a vendor showcase interface to one or more resellers at a reseller entry point interface, wherein the product data is customized for a particular vendor;

providing a plurality of promotional products to one or more of customers and resellers and receiving at least one order for one or more promotional products at a branded promotional products interface;

displaying products selected by the reseller at a reseller showcase interface for resale to a reseller group of customers selected by the reseller



where the reseller group of customer accesses the reseller showcase interface at a reseller customer entry point interface; and

displaying products selected by the reseller for resale to a group of customers associated with a company at a company logo store interface, wherein the products are customized for the company;

wherein customers comprise users who buy products from the branded promotional products interface; resellers comprise users who resell products to customers; and vendors comprise users who supply one or more of products and imprinting services.- -

- In claim 32, claim line 2, after "library" insert therefore: - -interface- -
- In claim 35, claim line 2, delete "providing" and insert therefore:  
- -implementing- -
- In claim 35, claim line 2, after "library" insert therefore: - -interface- -

### ***Reasons for Allowability***

The following is an examiner's statement of reasons for allowance: The field of the invention pertains to acquiring branded promotional products (i.e. products imprinted with marketing or advertising indicia) using an online service that integrates customers, resellers, and vendors into the online ordering site.

Pertaining to method claim 20:

No prior art of record discloses nor teaches and suggests the combination of a) integrating separate customer, reseller, and vendor interfaces into a single branded promotional products electronic commerce site, b) implementing an artwork library that stores customer marketing indicia (e.g. logos, branding artwork) to be imprinted on promotional products sold by resellers and vendors, and c) online acquisition support for branded promotional products through online bidding for a customer's branded promotional products business.

Pertaining to system claim 10

Allowability of system claim 10 is based on the same rationale as noted above for method claim 20.

Pertaining to method claim 26

No prior art of record discloses nor teaches and suggests the combination of a) integrating separate customer, reseller, and vendor interfaces into a single branded promotional products electronic commerce site, b) a products database storing pricing and an imprinting data, and c) implementing a customized company logo store for a group of customers.

Pertaining to system claim 21

Allowability of system claim 21 is based on the same rationale as noted above for method claim 26.

***Closest Prior Art***

***US Patent Prior Art- Conklin (US 6,141,653)***

As ruled by the Board of Patent Appeals and Interferences on 29 March 2006, Conklin in view of Promomart does not disclose or teach and suggest the claimed subject matter. As compared with the Appellant's multi-level system integrating customers, resellers, and vendors (i.e. suppliers, manufacturers), Conklin discloses a bi-level system and does not disclose all three entities conducting electronic commerce in a multi-level system. Furthermore, Conklin does not disclose a) the same field of endeavor of integrating customers, resellers, and vendors into a single branded promotional products online site, and b) solving the same problem within the branded promotional products industry.

Clark (US 6,351,738) discloses a collective business system that integrates customers with sellers and sellers with suppliers but fails to disclose a) bidding by resellers and vendors for customer's branded promotional products business, and b) maintaining an artwork library for customers.

***Non-patent Literature- Promomart***

As ruled by the Board of Patent Appeals and Interferences on 29 March 2006, Conklin in view of Promomart does not disclose or teach and suggest the claimed subject matter. As compared with the Appellant's branded promotional products site, Promomart discloses a web site whereby a customer can access

to gain information on resellers offering branded promotional products.

Promomart, however, provides a referral service and does not disclose providing customer, reseller, and vendor entry points (i.e. interfaces) into a single branded promotional products electronic commerce site.

Please note. An exhaustive search in both Dialog and Proquest databases over the course of prosecution consistently revealed the Appellant being on the leading edge of implementing a branded promotional products web site. Non-patent literature surfaced during the most recent search conducted by EIC pertaining to ImageX. The Examiner reviewed full text versions of relevant literature pertaining to ImageX and found such disclosures as either lacking in subject matter necessary to warrant a reopening of prosecution or being antedated by the Appellant's affidavit under Rule 131.

#### Foreign Publications

Searches conducted by the examiner throughout prosecution included EPO, JPO, and Derwent databases. No foreign publications were cited in grounds for rejection during prosecution of this application. The examiner notes WO 97/24691 as the closest foreign prior art which fails to disclose among other claimed subject matter a) a multi-level central electronic commerce site that permits interaction between customers, resellers, and vendors in a single site in support of the branded promotional products industry, and b) maintaining an artwork library for customers.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond  
Primary Examiner  
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